

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Approved 2/25/13

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 11th day of February 2013 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call: Edward A. Roderick-President William P. Gerlach

Denise M. deMedeiros-Vice President Jay J. Lambert

James Arruda Brett N. Pelletier

Joan B. Chabot

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in

its normal sequence on the agenda.

President Roderick read the items on the Consent Agenda, Councilor Pelletier requested removal of item CA5, Treasurer Denise Saurette – PAYT Update.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to accept the remaining items on the Consent Agenda except for item, CA5, Treasurer Denise Saurette-PAYT Update Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes Regular Council Meeting January 28, 2013**
- b. Approval of Executive Session Council Minutes of January 28, 2013**
- c. Approval of Council Minutes Workshop Meeting of January 24, 2013**

A-2-Receipt of Minutes from the Following Boards, Commissions:

- a.Conservation Commission**
- b.Art's Commission**
- c.Recycling/landfill Committee (2)**
- d.Barbara Pelletier – Representative Newport County Visitor's Bureau**
- e.Board of Canvassers**
- f.Open Space and Land Preservation Commission**

A-3-Correspondence – Receive and File:

- a. Barbara Pelletier – Copy Letter to RIDOT Director Regarding Sakonnet River Bridge Tolls**
- b. Town of Westport Regarding Opposition of Tolls on Sakonnet River Bridge**
- c. Town of Burrillville Resolution Supporting Eliminating Single Party Voting by Means of a Single Mark in Non-Primary Elections – Referred to Board of Canvassers**

A-4-Kate Michaud, Planning Board Administrative Officer's January Activity Report

BUSINESS BROUGHT BEFORE THE COUNCIL

Treasurer Denise Saurette – PAYT Update

Councilor Pelletier questioned the balance in the Pay As You Throw account. Treasurer Saurette explained it was a running total; the net income was almost \$263,000.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve CA5, Treasurer Denise Saurette – PAYT Update, on the Consent Agenda. Motion passed unanimously.

OPEN PUBLIC FORUM

Brian Peay, along with wife Michelle requested to be considered for option to purchase Nonquit. Linda Larsen, coordinating Director for Tiverton First, announced the return of the Festival and Parade on

July 26th and 27th. Will be on a future agenda, contact tivertonfirst@cox.net for more information.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

There were no public hearings or presentations at this meeting.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING- PUBLIC HEARING – ADVERTISED

Robert W. Ramos, 654 Penn Street, Fall River, MA – Requests Approval of Annual Renewal of Private Detective License - Subject To Meeting All Legal Requirements

Chief Blakey did not have any objection to this license request for an annual renewal.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the Private Detective License renewal for Robert Ramos, 654 Penn Street, Fall River, MA, subject to meeting all legal requirements. Motion passed unanimously.

Sweet Sisters, 14A Stafford Road – Requests Approval of Victualling License - Subject To Meeting All Legal Requirements

Town Clerk Mello handed out a menu just received from the applicants. Amy Paull explained the bakery was located on Stafford

Road, the old Family Ties bakery. Will offer a variety of pastries, specialty cakes, wedding cakes and special orders. Expect to open the first week of March.

Councilor Gerlach motioned, the Town Council acting as the Board of Licensing, approve a Victualling License for Sweet Sisters, 14A Stafford Road. Seconded by Councilor Pelletier, passed unanimously.

UNFINISHED BUSINESS:

Council Goals – Continued to February 25th Meeting

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to continue Council Goals to February 25th. Motion passed unanimously.

FINANCIAL BUSINESS:

Town Administrator – Request Approval to Release Carry Forward Funds

Account #105-359 - Litigation for \$23,686

Account #105-391 – Labor Counsel for \$37,903 And transfer \$51,000 to Account #102-888 – WWMgt RFP Planning Fund And Balance of \$10,589 to Account #102-799 Future Needs

Administrator Goncalo explained \$61,589 was carried forward for the legal accounts need to be utilized in two other accounts, \$51,000 for

the Wastewater Management Loan pay off with the balance going to the Future Needs account. The Future Needs account was created for contractual obligations, no problem to moving funds to a totally unrelated account. Solicitor Teitz had discussed with the Administrator the funds from the previous years; don't expect to need in this current cycle.

Councilor deMedeiros made a motion, seconded by Councilor Arruda to approve the request to Release Carry Forward Funds in Account #105-359-Litigation for \$23,686, Account #105-391-Labor Counsel for \$37,903 and Transfer \$51,000 to Account #102-888, Wastewater Management RFP Planning Fund and Balance of \$10,589 to Account #102-799 Future Needs. Motion passed unanimously.

Councilor deMedeiros – Discussion and Possible Vote of Proposed 2013/14 Budget

Councilor deMedeiros requested scheduling another budget workshop. Administrator Goncalo will incorporate the changes from the last workshop; send to Budget Committee (BC). Discussion followed for a date for workshop. Consensus was on Monday, February 18th, Open Space can meet in the mailroom. Councilor Pelletier suggested doing as a Special Meeting in case a vote is needed. Town Clerk verified the agenda will be for Discussion of Budget and possible vote at 7:00 pm at the Town Hall. Councilor Pelletier noted should have a discussion with reinstating a line item for a Pump out Boat, should make a decision for this budget cycle,

ought to have serious consideration for funding in the future. President Roderick agreed, should place and put in the Budget at the workshop/special meeting.

NEW BUSINESS:

Tiverton STOP – Request Legal Memorandum Regarding Tolls

President Roderick read the letter from Chee Laureano and Joy Gilkeson, Tiverton STOP requesting a Legal Memorandum Regarding Tolls. Solicitor Teitz explained, serves at the direction of the Council, previously concluded was very much a political process, seem to be looking for a timeline in the legal framework. Will give a framework currently, will have for the next agenda. Councilor Pelletier suggested contacting them, letting them know this is being worked on. Councilor Lambert volunteered to call, President Roderick asked the Town Clerk to give them a brief notice.

Recreation Commission – Request Permission to Announce Summer Recreation Positions

Administrator Goncalo noted the Recreation Commission was just looking to advertise for positions for summer recreation, nothing new.

Councilor Pelletier made a motion, seconded by Councilor Chabot to grant permission to Recreation Commission to advertise Summer Recreation Positions. Motion passed unanimously.

Harbormaster David Vannier & Bruce Cox THCWMC Chair – Request Acceptance of Donated Pump-out/Fire Boat Valued at \$175,000

President Roderick explained would allow brief comments, if some reiteration will be cut off. Harbormaster David Vannier and Harbor Commission Chair, Bruce Cox appeared before the Council on a request for Acceptance of a donated Pump-out/Fire Boat valued at \$175,000. Lengthy discussion followed. Chairman Cox explained the actions of the last Council brought about this event, unforeseeable, has some substantial benefits, can sell, can stop using, not obligated for 10 years of commitment. Ask the operational budget for a Pump-out Boat be reinstated in this budget cycle. Harbormaster Vannier explained at the last Council meeting a bid was not awarded for a contract, were some newspaper and web articles. A Boston surveyor saw an article, contacted the boat owner's representative to look in the MA or RI area, they contacted us. This vessel purchased in 2005 was offered for free including the cost of transport appraised at \$18,000. Included in this packet was an appraisal, pictures and a bill of transfer. A bigger boat could cost more to operate. Not obligated to run the boat for a set amount of hours, could moor it at Fogland. This boat has a larger capacity tank. There are also some sewer connections along the shore to Fall River, theoretically could happen in the future. Have the ability of a mooring in the basin, also can pump a discharge at 180 gallons/minute, and can be used for Fire Fighting operations.

Chairman Cox noted, this offer came to us, did not look for it, is a prime opportunity, another community is looking at this now, would be remiss if not coming forward. If the boat is sold then the money goes to the General Fund. Mr. Vannier was not sure if this boat as a tax write off had to be held for two years. Solicitor Teitz legal conclusion was this agreement does not obligate the Town to do it, has qualified appraisal, just have to certify to accept it. The owner requested that before leaving California the title be transferred to the Town, have the boat insured. The owner would like to have a representative from the Town go out there and look at it. Councilor Lambert questioned the Solicitor, can the Council get rid of the boat immediately if it's a mistake. Solicitor Teitz concurred this is not like some 501-3c donations, not guaranteeing anything about this, no obligation for the Town to keep it. They were asking for a letter from the Town that the Town has received the vessel as a donation and has received a cash donation for purposes of transporting the boat. Solicitor Teitz confirmed the Town can accept a tax deductible donation. President Roderick opened for comments to the public, asked that they be brief.

Joe Sousa, Budget Committee member, noted a consensus of the B/C, not willing to fund a pump out boat. Don't need to expand services in Town we can't fund. Harris Gruber called it a golden opportunity, funding according to the Charter comes from the fees collected by the Harbormaster. Jim O'Dell contradicted Mr. Gruber, boat has an aluminum hull, needs someone to man it, propulsion

system not inspected, unknown cost for insuring. Donna Cook concerned with present funding and doesn't want to miss opportunity as in past. Barbara Pelletier noted the Town has the second longest shoreline, look at it as a way to make money. Jeff Belli questioned the propulsion, has the engine been started, why not pump out people's houses. Administrator Goncalo explained it would be insured by the Trust, don't get detailed bills, can find out. Harbormaster Vannier recommended if the Town is not going to use the boat then don't take it. Mooring fees went up last year in prelude to there being a pump out boat. Harbormaster Vannier suggested the mooring fees be reconsidered if there is no pump out boat. Fees for residents went from \$50 to 55 and non-resident/commercial went from \$250 to 325. Chairman Cox explained the early discount fees were eliminated; the waterfront is a profit center for the Town. Goal in last year's budget was for the pump out boat to be revenue neutral.

President Roderick questioned the Harbormaster, if the motor could be inspected before acceptance. Solicitor Teitz suggested could hire someone out there to inspect also may be enough in the transportation money to pay for someone from here if agreed upon. Councilor Gerlach questioned where Fire Chief Lloyd saw this fitting in to the Town. Chief Lloyd supported firefighting watercraft, doesn't know particular vessel, had some questions about capability, the operation and expense to operate. Councilor deMedeiros questioned if the current rescue boat could be outfitted for firefighting capability and the cost. Chief Lloyd estimated \$3,000 to give the same

capabilities. Was concerned with the funding and the associated expenses. Councilor Arruda questioned the number of moorings in Fogland, Harbormaster Vannier noted approximately 70, 80% are from residents, has a lot of transient traffic. A mooring could be made available in that area, someone will donate. With the DEM contract obligated to a certain amount of days, not sure what the hours or days of operation will be did put in a maintenance budget and an operating budget. Councilor Arruda was concerned, not against protecting the shoreline, questions if this is the best value, don't know the cost to insure, don't know if we can find the money in the Budget. Councilor Chabot questioned some discrepancies, in one section described as a 2005, in another section described as 2001, was it operated in both fresh and saltwater areas, is an aluminum hull with a twin motor. Would have increased maintenance, insurance, repairs to get it operational, according to the survey did not do a motor test, was just a visual survey, concerned about no motor inspection. Councilor Chabot had experience with Inboard/Outboard motors, more expensive to maintain. Harbormaster Vannier noted 90% of ships are aluminum hulls, very viable. Councilor Arruda noted the specifications do not say what grade aluminum. Mr. Gruber pointed out aluminum was widely used, the 140 Horsepower was a small engine, comes with a trailer, do have a responsibility to protect the local waters and the shoreline, great opportunity to set an example. Councilor deMedeiros questioned if there was anything in writing from DEM to have a pump out boat. Chairman Cox explained it was a requirement to have a certain number of stations; one on the

other side of Portsmouth is very difficult to get into, need qualifications to have one. Mr. Gruber volunteered to contact a nephew in California who was a certified mechanic, around boats all his life, sufficiently qualified to inspect the boat.

President Roderick noted the need to be forward thinkers, need to protect the waterfront, will take up as a line item at the next special meeting. Have an opportunity to get a free boat, don't have conditions, are some discrepancies, they will pay shipping, should consider if only for a year. Councilor Lambert agreed, should look forward, have started to address a number of financial issues, a goal was to try to identify items that make Tiverton attractive, shoreline development is one of them, make an effort to anticipate for the future. Councilor Arruda was looking to the future, funding may be better suited for the land portion of septic systems. Councilor deMedeiros noted, have not received any documentation proving boat owners are dispersing waste into the water, see this as increasing taxes, at this time should not be adding more expense to the budget, have not seen any real proof on water quality testing. Councilor Pelletier agreed, don't have definitive proof of people dumping holding tanks in the water, make decisions on the evidence presented. Have a specific proposal on whether to accept a pump out boat free of charge, take the recommendation of the Harbor Commission and the Harbormaster, trust the experts we have. See as a service, increase capacity to the waterfront, good opportunity, little in way of risk, 100% support accepting the vessel.

The Harbormaster had submitted two budgets; one included a pump out boat. Councilor Gerlach's position at the last meeting was driven in large part by the way it was funded by the State, was uncomfortable to commit to a ten year program, not talking about funding, two separate items. Councilor Chabot added, have to consider the cost of operating. President Roderick called for a vote.

Councilor Pelletier made a motion to accept donation of a Pumper Boat valued at \$175,000 as indicated in G3 of the Council packet and further referenced in the Marine Surveyors report #5580 subject to an inspection meeting Town requirements by our personnel or surrogate in California, delegated to the Town Administrator. Motion seconded by Councilor Lambert passed 4-3, Councilors Arruda, Chabot and deMedeiros opposed.

Administrator Goncalo questioned if the funding to have the boat inspected was to be taken out of Council contingency. President Roderick suggested asking if Mr. Gruber's nephew would inspect. Was explained the cost would be approximately \$19/foot.

Councilor Pelletier made a motion, seconded by Councilor Lambert to take the money out of Council Contingency not to exceed the sum of \$500. Motion passed on a vote of 4-3, Councilors Arruda, Chabot and deMedeiros opposed.

Councilor Gerlach – Discussion of Stafford Pond Water Quality

Planning for Joint Meeting With DEM – Attendees and Agenda

Identify Potential Concerns of Police and Fire Chiefs Regarding Planned Fishing Tournaments in 2013

Councilor Gerlach had read an article in the Sakonnet Times about fishing tournaments on Stafford Pond and a meeting planned by DEM and Stone Bridge Water Authority, concerned no one from the Town was contacted about the meeting or invited. Asked the Administrator to reach out to DEM, did so, seems to be some rescheduling as well as expanding the invitee list. Should identify who can go as a Town representative, the goals and objectives for that meeting. Request any additional comments from the Police and Fire Chiefs about the 16 tournaments to add to that discussion. T/A Goncalo explained the meeting was rescheduled to the 28th but is not yet confirmed. A Senator and Representative have been invited, initially was just Stone Bridge and DEM, have expanded to the Council, Town Administrator and the Conservation Commission. The meeting will be at DEM, 235 Promenade Street, Providence, at 2pm in the Director's Conference Room. Councilor Gerlach expressed the importance to have some preliminary position on Stafford Pond as a whole particularly on the fishing tournaments. The Conservation Commission has been doing most of the research on Stafford Pond as a water source, like to leverage their expertise. Tom Ramotowski, Conservation Commission Chair, explained Conservation had been working on the issue to get a list. Councilor Lambert had contacted John Friar, head of the Water Department in Fall River, said they own the riparian rights to the

Stafford Pond, should invite them as well. Mr. Friar noted if Stone Bridge sees a problem with water purity they should notify Fall River.

Councilor Gerlach requested the Solicitor's help in researching the Rules as they relate to the sign posted at Stafford Pond. Solicitor Teitz will check the regulations, has a memo prepared about jurisdiction. The Conservation Commission has the right to require of DEM to impose stricter regulations. Suggest getting someone from the Department of Health to attend as well. Chairman Ramotowski will bring a list for the next Council meeting. Councilor Gerlach read, for the record an email from Brian O'Neill, President Stafford Pond Improvement Assoc. The email opposed the unlimited and unrestricted fishing tournaments for various reasons.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

Administrator Goncalo gave many thanks to the employees and volunteers who worked diligently through this past storm. Thanked National Grid on their efforts to restore power. The employees and volunteers dedicated many hours will issue certificates of appreciation. The Emergency Operation Plan came into effect on Friday at noon, still in operation; Friday evening pulled all equipment off the road. The Council President declared a State of Emergency Saturday morning, able to receive assistance from the National Guard. Fifty people used the emergency shelter. Had generator issues at the Police Department, two plows had broken drive shafts, used SUV's, had one donated and borrowed one. Will meet and

review.

- 1. The wall on Riverside Drive, west side, from the last house down to the Yacht Club will be repaired by the State; they will also repair the sidewalk and the curbing.**
- 2. Radon testing will begin in all town buildings this week.**
- 3. Recycling in January 172 tons vs 164 last year.**
- 4. The Senate will hold a hearing on two bill on the tolls on February 13th at the State House, Room 313at 4pm. A bus is available contact notolljeanne@cox.net, Chee Laureano at 401-835-5021 or email Tivertonstop@gmail.com. Call Chee to find out where the bus will be, this hearing was scheduled with very little notice, have to sign in by 3pm. Senate expects brief statements, looking for business people.**
- 5. Anticipating and preparing a claim for FEMA reimbursement, inviting residents who have special issues in claims to contact Chief Lloyd at 625-6707.**
- 5. Have a Charter Complaint; handing out, submitted by Justin Katz, has to do with another complaint originally filed by Donna Cook and political buttons at school. Have to schedule a Public Hearing within 30 days of the filing, Feb. 7th, recommending the Council special meeting on February 25th. Solicitor Teitz may not be at that meeting or may be late. T/A suggested putting further down on the agenda. Solicitor Teitz cited Charter Section 1211(b), the Town Council acting as the Review Board shall receive testimony from the complainant and from the official, board, or commission, or the members of the official body, against whom or which the charges were made, and**

from such witnesses as either party may bring forward. If following the hearing, the Review Board, by a two-thirds vote of those present-but in no event fewer than (4) affirmative votes can forward to municipal court.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

President Roderick asked at this time to have DPW Director Berlucchi, Chief Lloyd and Chief Blakey come forward. The storm event was an emergency, people should be very proud, these people worked unbelievably, had a dedicated person from National Grid, Chief Lloyd handled the operation center, assisted in Little Compton and Portsmouth, Chief Blakey ensured the safety of the people in Town. What they accomplished with what they had was amazing, shows the need for a five year plan. A round of applause followed. Chief Blakey thanked Paul Rousseau, DPW, kept the generator going along with Craig Committo have some good people working for the Town. Chief Lloyd agreed, updated on the outages, currently have 240 still without power, expect that to be restored by the end of night. DPW Director Berlucchi thanked the employees as well, was good to have the Council President ride along to see what the departments have to work with, invited members of the Council to ride along at any time.

Councilor Pelletier

a.Resolution in Support of Legislation Against Tolls on the New Sakonnet River Bridge

House Bill 5069, House Bill 5137 and Senate Bill 0020

Councilor Pelletier requested Council approval of three Resolutions against the tolls. These relate to the transfer and the makeup of the Bridge and Turnpike Authority Board. With approval and affirmative vote will send to every member of the House and Senate with copies to the Governor, House Speaker and Senate President. Councilors Pelletier, Lambert and Chabot each read one of the Resolutions aloud.

Councilor deMedeiros left the Council table had an emergency phone call.

Councilor Pelletier read the proposed Resolution regarding House Bill 5069.

Councilor Pelletier made a motion, seconded by Councilor Lambert to approve the Resolution in Support of H5069 Legislation Relating to Highways-Rhode Island Bridge and Turnpike Authority. Motion passed on a vote of 6-0.

Councilor Lambert read the proposed Resolution regarding House Bill 5137.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the Resolution in Support of H5137 Legislation Relating to Highways- To Repeal the Transfer of Authority for the Sakonnet River

Bridge and the Jamestown Verrazzano Bridge from the RIDOT to the Bridge and Turnpike Authority. Motion passed on a vote of 6-0.

Councilor Chabot read the proposed Resolution regarding Senate Bill 0020.

Councilor deMedeiros returned to the Council table at this time.

Councilor Pelletier mad a motion, seconded by Councilor Gerlach to approve the Resolution in Support of S 0020 Legislation Relating to Highways- To Repeal the Transfer of Authority for the Sakonnet River Bridge and the Jamestown Verrazzano Bridge from the RIDOT to the Bridge and Turnpike Authority. Motion passed unanimously.

The Approved Resolutions attached

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

Street Committee

a.Amended Resolution Reorganizing Committee

Solicitor Teitz assigned the Street Committee because of Charter requirements that committee members be residents of Tiverton, even on ad hoc committees, previous President of this committee, DPW Director Steve Berlucchi, a non-resident. The Street Committee is at the stage of making recommendations to the Council, making sure the committee has a legal authority. Tried to find a formal resolution, found one from 2005. Have a proposed resolution to call it The Street

Advisory Committee; propose five members on a staggered term, the DPW Director, Town Planner, Town Administrator and a Member of the Town Council can be an ex officio. Most propose resolutions have a sunset provision, this proposed resolution does not, Council can terminate this committee at any time as this would seem to be a long standing problem.

Propose staggered terms, two members of the current committee eligible to be appointed, suggest they be reappointed to three year terms, and then advertise for applicants for the other openings. President Roderick suggested clearing up the language about being a resident elector. Rosemary Eva affirmed, was willing to continue serving on that committee. Director Berlucchi added Mr. Hart, though not in attendance, was also still willing to serve. Councilor Chabot suggested the Town Planner be changed to a member of the Planning Board. Ms. Eva suggested the Planning Board Administrative Officer (A/O) as an ex officio. Solicitor Teitz agreed, would be good to have the A/O, did not have a problem with Ms. Eva sitting on two boards. Ms. Eva questioned the Solicitor, if the Administrator should be on this committee as an ex officio. Solicitor Teitz explained the Town Administrator in on several other committees as an ex officio. Solicitor Teitz explained can amend the resolution at any time.

Councilor Chabot noted the purpose of the committee was to review a list of streets not proven to be Town approved streets, have various levels of service, will have to make some very difficult decisions, not

a popular subject.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to adopt the Resolution Re-Establishing The Street Advisory Committee as amended. Motion passed on a vote of 6-1, Councilor Chabot opposed.

b.Appointments and Reappointments to Committee

Rosemary Eva Richard Hart

Councilor Pelletier made a motion, seconded by Councilor Lambert to appoint to the Street Advisory Committee Rosemary Eva and Richard Hart to three year terms and to advertise for the remaining three members. Motion passed on a vote of 6-0-1, Councilor Chabot abstained.

Town Clerk Mello noted that Group A for Boards and Commissions was just advertised, will not be able to put on an agenda until March 11th.

TOWN CLERK ANNOUNCEMENTS:

Charter Complaint

Town Clerk Mello, regarding the aforementioned Charter complaint, questioned if she was going to get advice from the Solicitor, whether

he advises the Council or get personal representation. Solicitor Teitz explained, the Council should have separate representation, have a couple of Assistant Solicitor's, can give independent advice. Normally inclined to represent Council, however did advise the Clerk on the original complaint in this case probably represent the Clerk, will check. Solicitor Teitz suggested holding the hearing on the 18th if this can be put together in time, will check with both of the Assistant solicitors to see who would be available to advise the Council. The legal Counsel to the Town Council would be reviewing the complaint, not a lot of advance preparation needed. Solicitor Teitz suggested putting the Complaint on first and then do the budget.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to amend the agenda for Monday, February 18th to include as the first item a Public Hearing on a Charter Complaint in addition to the Budget discussion as the second item. Motion passed unanimously.

President Roderick entertained a motion to move up to Open Session from Executive Session regarding Nonquit School, item 2a, Request for Extension of Purchase and Sale by Cynthia R. Hanssen.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to move up to Open Session from Closed Executive Session, item 2a, Town Administrator – 42-46-5(a)(5) – Disposition of Public Property – Nonquit School a. Request for Extension of

Purchase and Sale by Cynthia R. Hanssen. Motion passed unanimously.

Town Administrator – 42-46-5(a) (5) – Disposition of Public Property – Nonquit School a. Request for Extension of Purchase and Sale by Cynthia R. Hanssen

Ms. Hanssen requested an extension of 30 days to March 14th with a closing of March 28th to complete her due diligence. Councilor Roderick wanted to bring in the open since there is additional interest. Should this go beyond 30 days, then will entertain any other bids. If that came to pass then that would probably be in Executive Session. T/A Goncalo received an email this afternoon, handed out to Council, read the memo for the public. Solicitor Teitz had met with Ms. Hanssen and Charlotte Taylor, an archeologist with RI Historic Preservation, has been diligent in her due diligence. The Council is under no legal obligation to extend. Councilor Gerlach went on record as saying if and when it does come to pass would like to discuss other bids in public session. Solicitor Teitz explained that would be a decision of the Council, idea in Executive Session usually happens for further negotiating.

Councilor Pelletier agreed there were many issues, entered into an agreement based on a price point, diligence period and a set of conditions. Councilor Lambert pointed out these issues would be the same for anybody, is a unique property, may be best to keep as many people in the game. President Roderick requested a motion.

Councilor Lambert made a motion to grant an additional 30 day extension to Cynthia Hanssen until March 14, 2013 with an anticipated closing date of March 28, 2013. If closing does not occur on March 28, 2013 will reopen the process for new bidding. Councilor Chabot seconded the motion. Solicitor Teitz explained it was her obligation to tell the Council if she would not be going forward. Solicitor Teitz suggested adding a time, by 4:30 pm on March 14, 2013. Councilor Lambert amended the motion to include by 4:30 pm on March 14, 2013. Amended motion seconded by Councilor Chabot, passed on a vote of 4-3, Councilors Gerlach, deMedeiros and Pelletier opposed.

CLOSED EXECUTIVE SESSION:

- 1. Town Solicitor – 42-46-5(a) (2) – Potential Litigation – Site Ready Materials and Recycling Co.**
- 2Town Administrator – 42-46-5(a) (5) – Disposition of Public Property – Nonquit School**
- b.Backup Offer for Nonquit School Purchase**
- 3. Personnel – 42-46-5(a) (1) – Performance Evaluation of Town Administrator Notice Provided**

Councilor Lambert made a motion, seconded by Councilor Pelletier to enter into Closed Executive Session pursuant to RI General Law 42-46-5(a) (2) - Town Solicitor- Potential Litigation-Site Ready Materials and Recycling Co. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to RI General Law 42-46-5(a)(5)-Town Administrator-Disposition of Public Property – Nonquit School, b.Backup Offer for Nonquit School Purchase. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Pelletier to remain in Closed Executive Session pursuant to RI General Law 42-46-5(a)(1)-Personnel- Performance Evaluation of Town Administrator Notice Provided. Motion passed on a vote of 6-1. Councilor Chabot opposed.

The Council entered into Executive Session at approximately 10:25 p.m.

The Council returned to Open Session at approximately 11:00 p.m.

OPEN SESSION:

In Open Session President Roderick announced no formal action was taken in Executive Session.

Councilor Pelletier motioned to seal the minutes of Executive

Session, seconded by Councilor Arruda. Motion passed unanimously.

ADJOURNMENT:

Councilor Lambert motioned to adjourn, seconded by Councilor deMedeiros. The motion passed unanimously.

The meeting adjourned at 11:05p.m.

A True Copy.

ATTEST: _____

Nancy L. Mello, Town Clerk

RESOLUTION OF THE TIVERTON TOWN COUNCIL

RESOLUTION IN SUPPORT OF H 5069 LEGISLATION RELATING TO HIGHWAYS – RHODE ISLAND BRIDGE AND TURNPIKE AUTHORITY

WHEREAS: Section 24-12-2 of the General laws in Chapter 24-12 authorized the creation of the “Rhode Island Turnpike and Bridge Authority”, and

WHEREAS: The authority consists of five (5) members, including the director of transportation who shall be a member ex officio and four (4) members appointed by the governor, and

WHEREAS: the fiscal year 2012-2013 state budget enacted by the

General Assembly and signed into law by the Governor authorizes the Rhode Island Bridge and Turnpike Authority to impose tolls on the Sakonnet River Bridge, and

WHEREAS: the Town Council has serious concerns with the negative impact such tolls would cause upon the economic, social and cultural welfare of the residents, businesses, and community organizations of Tiverton and neighboring communities, and

WHEREAS: Representatives Edwards, Gallison, Malik, Marshall and Canario have introduced Legislation to change the composition of the Rhode Island Turnpike and Bridge Authority, and

WHEREAS: House Bill 5069 would replace the four members appointed by the Governor with the Mayor of Newport and Town Council Presidents of Portsmouth, Tiverton and Jamestown who must also be residents of Newport county, and

NOW THEREFORE BE IT RESOLVED: That the Tiverton Town Council strongly expresses its support of House Bill H5069 as introduced.

RESOLVED: That a copy of this Resolution be forwarded to the Honorable Governor Lincoln D. Chafee, House Speaker Gordon D. Fox, Senate President M. Teresa Paiva Weed , State Senators and State Representatives.

PASSED AND APPROVED THIS 11th DAY OF FEBRUARY 2013.

APPROVED: _____

ATTEST:

Edward A. Roderick, Town Council President

Nancy L. Mello, Town Clerk

RESOLUTION OF THE TIVERTON TOWN COUNCIL

RESOLUTION IN SUPPORT OF H 5137 LEGISLATION RELATING TO HIGHWAYS – TO REPEAL THE TRANSFER OF AUTHORITY FOR THE SAKONNET RIVER BRIDGE AND THE JAMESTOWN VERRAZZANO BRIDGE FROM THE RIDOT TO THE BRIDGE AND TURNPIKE AUTHORITY

WHEREAS: The Rhode Island General Assembly has authorized the transfer of the Sakonnet River Bridge and the Jamestown Verrazzano Bridge from the Rhode Island Department of Transportation to the Bridge and Turnpike Authority, and

WHEREAS: Section 24-17 of the General laws is entitled “East Bay Bridge System Act of 2012”, and

WHEREAS: The East Bay Bridge System Act of 2012 authorizes the placement of tolls on the Sakonnet River Bridge under the direction of RI Turnpike and Bridge Authority, and

WHEREAS: A special account was authorized in the state general fund to be known as the East Bay Infrastructure fund to be used in Bristol and Newport Counties, and

WHEREAS: the Town Council has serious concerns with the negative impact such tolls would cause upon the economic, social and cultural welfare of the residents, businesses, and community organizations of

Tiverton and neighboring communities, and

WHEREAS: Representatives Edwards, Gallison, Malik, Marshall and Canario have introduced Legislation to repeal the transfer of authority for the Sakonnet River Bridge and the Jamestown Verrazzano Bridge from the Department of Transportation to the Bridge and Turnpike Authority, and

NOW THEREFORE BE IT RESOLVED: That the Tiverton Town Council strongly expresses its support of House Bill 5137 as introduced.

RESOLVED: That a copy of this Resolution be forwarded to the Honorable Governor Lincoln D. Chaffee, House Speaker Gordon D. Fox, Senate President M. Teresa Paiva Weed , State Senators and State Representatives.

PASSED AND APPROVED THIS 11th DAY OF FEBRUARY 2013.

APPROVED: _____

ATTEST: _____

Edward A. Roderick, Town Council President

Nancy L. Mello, Town Clerk

RESOLUTION OF THE TIVERTON TOWN COUNCIL

RESOLUTION IN SUPPORT OF S 0020 LEGISLATION RELATING TO HIGHWAYS – TO REPEAL THE TRANSFER OF AUTHORITY FOR THE

**SAKONNET RIVER BRIDGE AND THE JAMESTOWN VERRAZZANO
BRIDGE FROM THE RIDOT TO THE BRIDGE AND TURNPIKE
AUTHORITY**

WHEREAS: The Rhode Island General Assembly has authorized the transfer of the Sakonnet River Bridge and the Jamestown Verrazzano Bridge from the Rhode Island Department of Transportation to the Bridge and Turnpike Authority, and

WHEREAS: Section 24-17 of the General laws is entitled “East Bay Bridge System Act of 2012”, and

WHEREAS: The East Bay Bridge System Act of 2012 authorizes the placement of tolls on the Sakonnet River Bridge under the direction of RI Turnpike and Bridge Authority, and

WHEREAS: A special account was authorized in the state general fund to be known as the East Bay Infrastructure fund to be used in Bristol and Newport Counties, and

WHEREAS: the Town Council has serious concerns with the negative impact such tolls would cause upon the economic, social and cultural welfare of the residents, businesses, and community organizations of Tiverton and neighboring communities, and

WHEREAS: Senators Felag, Paiva Weed, Ottiano, Bates and DiPalma

have introduced Legislation to repeal the transfer of authority for the Sakonnet River Bridge and the Jamestown Verrazzano Bridge from the Department of Transportation to the Bridge and Turnpike Authority, and

NOW THEREFORE BE IT RESOLVED: That the Tiverton Town Council strongly expresses its support of Senate Bill S 0020 as introduced.

RESOLVED: That a copy of this Resolution be forwarded to the Honorable Governor Lincoln D. Chafee, House Speaker Gordon D. Fox, Senate President M. Teresa Paiva Weed , State Senators and State Representatives.

PASSED AND APPROVED THIS 11th DAY OF FEBRUARY 2013.

APPROVED: _____

Edward A. Roderick, Town Council President

ATTEST: _____

Nancy L. Mello, Town Clerk